



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 10

#### LETTING BY LOCAL AUTHORITIES OF VACANT HIGH-STREET PREMISES

PROSPECTIVE

#### *Procedure preliminary to letting*

#### **195 Initial notice**

- (1) On any day on which it appears to a local authority that the vacancy condition and the local benefit condition are met in relation to qualifying high-street premises in its area, the authority may serve a notice under this section (an “initial letting notice”) on the landlord of the premises.
- (2) An initial letting notice expires (if it has not been withdrawn)—
  - (a) when a final letting notice in relation to the premises takes effect, or
  - (b) at the end of the period of ten weeks beginning with the day on which the initial letting notice takes effect.

#### **Commencement Information**

- II** S. 195 not in force at Royal Assent, see [s. 255\(7\)](#)

#### **196 Restriction on letting while initial notice in force**

- (1) While an initial letting notice is in force in relation to premises, the landlord of the premises may not—
  - (a) grant, or agree to grant, a tenancy of, or licence to occupy, the premises, or

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- (b) enter into any other agreement resulting in another person becoming entitled to possess or occupy the premises (except as a result of the transfer or extinction of the landlord's interest),  
without the written consent of the local authority that served the notice.
- (2) The local authority must give or refuse consent under subsection (1) within a reasonable time after it is sought.
- (3) Subsection (1) does not apply to the grant of a tenancy pursuant to an obligation that bound the landlord before the initial letting notice took effect.
- (4) An obligation that is conditional on the service of an initial letting notice in relation to the premises is to be disregarded for the purposes of subsection (3).
- (5) A tenancy or licence granted, or other agreement entered into, without consent required by subsection (1) is void.
- (6) But subsection (5) is to be treated as never having applied to a tenancy, licence or agreement if—
- (a) either—
    - (i) the initial letting notice expires without a final letting notice having taken effect, or
    - (ii) a final letting notice served further to the initial letting notice expires without a contract having been entered into under section 204, and
  - (b) the parties to the tenancy, licence or agreement have, until the expiry, conducted themselves towards each other on the basis that the tenancy, licence or agreement is valid.

#### **Commencement Information**

**I2** S. 196 not in force at Royal Assent, see [s. 255\(7\)](#)

### **197 Circumstances in which letting to be permitted**

- (1) The local authority must give consent under section 196(1) to—
- (a) the grant of, or an agreement to grant, a tenancy, or
  - (b) the grant of a licence to occupy the premises,
- if the conditions in subsection (2) are met.
- (2) The conditions are that—
- (a) the term of the proposed tenancy, or the period of occupation under the proposed licence, would begin within the period of eight weeks beginning with the day on which the initial letting notice took effect,
  - (b) that term or period would be at least one year, and
  - (c) the local authority is satisfied that the tenancy or licence would be likely to lead to the occupation of the premises for a high-street use.
- (3) For the purposes of subsection (2)(b), a term or period is to be taken to be less than one year if the lessor or licensor has a right to terminate it within the period of one year beginning with the day on which it starts, unless that right arises only on default by the tenant or licensee.

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- (4) Consent granted further to the duty in subsection (1) is to be treated as not having been given if—
- (a) the proposed tenancy or licence is not granted, or
  - (b) the term of the tenancy, or period of occupation under the licence, does not begin,
- within the period referred to in subsection (2)(a).

#### Commencement Information

**I3** S. 197 not in force at Royal Assent, see [s. 255\(7\)](#)

### 198 Final notice

- (1) A local authority may serve a notice under this section (a “final letting notice”) on the landlord of qualifying high-street premises on any day on which—
- (a) an initial letting notice served by the authority is in force in relation to the premises,
  - (b) the period of eight weeks beginning with the day on which that notice took effect has elapsed, and
  - (c) either—
    - (i) no tenancy or licence has been granted, or other agreement entered into, with the consent of the authority under section 196 or in circumstances where consent was not needed because of subsection (3) of that section, or
    - (ii) the authority is satisfied that any tenancy, licence or agreement so granted or entered into is consistent with the contemplated exercise of its powers under section 204.
- (2) But the notice must be served in time for it to take effect before the initial letting notice expires.
- (3) A final letting notice expires (if it has not been withdrawn or revoked on appeal, and subject to sections 201(6) and 202(6)) at the end of the period of 14 weeks beginning with the day on which it takes effect.

#### Commencement Information

**I4** S. 198 not in force at Royal Assent, see [s. 255\(7\)](#)

### 199 Restriction on letting while final notice in force

- (1) While a final letting notice is in force in relation to premises, the landlord of the premises may not—
- (a) grant, or agree to grant, a tenancy of, or licence to occupy, the premises, or
  - (b) enter into any other agreement resulting in another person becoming entitled to possess or occupy the premises (except as a result of the transfer or extinction of the landlord’s interest),
- without the written consent of the local authority that served the notice.

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- (2) The local authority must give or refuse consent under subsection (1) within a reasonable time after it is sought.
- (3) Subsection (1) does not apply to the grant of a tenancy pursuant to an obligation that bound the landlord before the initial letting notice preceding the final letting notice took effect.
- (4) An obligation that is conditional on the service of an initial letting notice or final letting notice in relation to the premises is to be disregarded for the purposes of subsection (3).
- (5) A tenancy granted, or agreement entered into, without consent required by subsection (1) is void.
- (6) But subsection (5) is to be treated as never having applied to a tenancy, licence or agreement if—
  - (a) the final letting notice expires without a contract having been entered into under section 204, and
  - (b) the parties to the tenancy, licence or agreement have, until that expiry, conducted themselves towards each other on the basis that the tenancy, licence or agreement is valid.

#### **Commencement Information**

**I5** S. 199 not in force at Royal Assent, see [s. 255\(7\)](#)

## **200 Restriction on works while final notice in force**

- (1) While a final letting notice is in force in relation to premises, the landlord of the premises may not carry out, or permit the carrying out of, any works to the premises without the written consent of the local authority that served the notice.
- (2) In subsection (1), “works to the premises” include the alteration or removal of any fixtures or fittings on the premises.
- (3) Subsection (1) does not apply to works that are—
  - (a) urgently necessary for repair or preservation, or
  - (b) necessary to fulfil an obligation of the landlord, other than one voluntarily assumed after the initial letting notice preceding the final letting notice took effect.
- (4) The local authority must—
  - (a) give or refuse consent under subsection (1) within a reasonable time after it is sought, and
  - (b) must give such consent unless there are reasonable grounds for refusing it, concerning the exercise or contemplated exercise of the authority’s powers under the following provisions of this Part in relation to the premises.
- (5) A person who contravenes subsection (1) without reasonable excuse commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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### Commencement Information

**16** S. 200 not in force at Royal Assent, see [s. 255\(7\)](#)

## 201 Counter-notice

- (1) The landlord of premises in relation to which a final letting notice has been served may give a counter-notice to the local authority that served the final letting notice.
- (2) A counter-notice must be received by the local authority before the end of the period of 14 days beginning with the day on which the final letting notice takes effect.
- (3) A counter-notice must—
  - (a) state that, if the final letting notice is not withdrawn, the landlord intends to appeal against it, and
  - (b) specify the ground (which must be a permissible ground) on which the appeal would be brought.
- (4) The permissible grounds of appeal are set out in Part 1 of [Schedule 20](#) (and they are to be interpreted and applied in accordance with Part 2 of that Schedule).
- (5) Regulations may amend that Schedule so as to—
  - (a) add a ground of appeal;
  - (b) make provision about the interpretation or application of a ground so added;
  - (c) amend or remove a ground so added or provision so made.
- (6) The period referred to in section [198\(3\)](#), as it applies to a particular final letting notice, is extended by 28 days if a counter-notice is served in relation to the final letting notice.

### Commencement Information

**17** S. 201 not in force at Royal Assent, see [s. 255\(7\)](#)

## 202 Appeals

- (1) This section applies if—
  - (a) a counter-notice is given under section [201](#), and
  - (b) the landlord of the premises to which it relates is not, within the period of 14 days beginning with the day on which the counter-notice was received by the local authority, notified by the authority of the withdrawal of the final letting notice.
- (2) The landlord may appeal against the final letting notice to the county court.
- (3) An appeal must be brought on the ground specified in the counter-notice.
- (4) An appeal must be brought within the period of 28 days beginning with the day on which the counter-notice was received by the local authority.
- (5) In disposing of an appeal under this section, the county court must either revoke or confirm the final letting notice.

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- (6) The period referred to in section 198(3), as it applies to a particular final letting notice, is extended by one day (in addition to those referred to in section 201(6)) for each day in the period—
- (a) beginning with the day on which an appeal against the notice is brought, and
  - (b) ending with the day on which the appeal is finally determined, withdrawn or abandoned.
- (7) For the purposes of subsection (6)(b), an appeal is not finally determined until the decision on the appeal, or on any further appeal, may not be overturned on a further appeal (ignoring the possibility of an appeal out of time with permission).

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**Commencement Information**

**18** S. 202 not in force at Royal Assent, see [s. 255\(7\)](#)

**Status:**

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**Changes to legislation:**

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